

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANDREA CONNER,)
Petitioner,) Case No. 4:23-CV-1464 AGF
v.)
ILLINOIS DEPARTMENT OF)
CHILDREN AND FAMILY SERVICES,)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court upon review of petitioner Andrea Conner's self-represented petition for a writ of habeas corpus under 28 U.S.C. § 2241. The petition is defective because it has not been drafted on a Court-provided form. *See E.D. Mo. L. R. 2.06(A)*. In addition, petitioner has not paid the filing fee or filed a motion to proceed in forma pauperis.¹ *See E.D. Mo. L. R. 2.01(B)(1)*.

Furthermore, it appears from the allegations in the application for writ that petitioner, a citizen of the State of Arkansas, is bringing an action in the United States District of Missouri, relative to a state-court custody determination regarding three of her minor children made by the Illinois Department of Children and Family Services in Madison County, Illinois.² To the extent that petitioner is seeking review of an Illinois state-court judgment, this federal district court lacks subject matter jurisdiction to engage in appellate review of state court decisions. *Postma v. First*

¹Petitioner's application for writ seeks discharge of her children to her custody without cost. This is not a sufficient means to seek in forma pauperis status in this matter. Petitioner must file a motion seeking in forma pauperis status and it must be on a Court-provided form with all parts of the form filled out.

²Pursuant to Local Rule 2.17, parties shall refrain from including, or shall partially redact where inclusion is necessary, the names of minor children. If petitioner must refer to her minor children in her amended petition, she must refer to them by their initials only.

Fed. Sav. & Loan of Sioux City, 74 F.3d 160, 162 (8th Cir. 1996). Additionally, this Court lacks jurisdiction over cases involving divorce and child custody under the domestic relations exception to federal court jurisdiction.

In general, federal courts have no jurisdiction over domestic relations matters. *See Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1992). Rather, state courts have exclusive jurisdiction over these matters. *Id.* at 703-04. “The whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the states, and not to the laws of the United States.” *Ex parte Burrus*, 136 U.S. 586, 593-94 (1890); *see also Kahn v. Kahn*, 21 F.3d 859, 861 (8th Cir. 1994) (“The domestic relations exception … divests the federal courts of jurisdiction over any action for which the subject is a divorce, allowance of alimony, or child custody.”) (internal citations omitted). As such, to the extent that petitioner is attempting to involve this Court in a family court matter, or an issue of child custody, this Court lacks jurisdiction over such issues.

Last, even if this Court has jurisdiction over petitioner’s claims, to the extent that petitioner is contesting a judgment in Madison County, Illinois, this Court is likely the wrong venue to bring such an action. Thus, after petitioner amends her application for writ, the Court will either dismiss the action or transfer the action to the United States District Court for the Southern District of Illinois pursuant to 28 U.S.C. 1406(a).

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall mail to petitioner a copy of the Court’s “Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241” form.

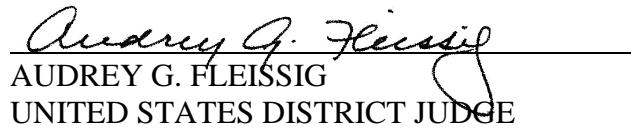
IT IS FURTHER ORDERED that the Clerk shall mail to petitioner a copy of the Court’s “Motion to Proceed in Forma Pauperis and Affidavit in Support – Habeas Cases” form.

IT IS FURTHER ORDERED that petitioner shall file an amended petition on the Court-provided form **within twenty-one (21) days** of the date of this Order. Petitioner is advised that her amended petition will take the place of her original petition and will be the only pleading that this Court will review. Petitioner can only refer to her minor children by their initials in her amended petition.

IT IS FURTHER ORDERED that petitioner shall either pay the \$5.00 filing fee or submit a motion to proceed in forma pauperis on the Court-provided form **within twenty-one (21) days** of the date of this Order.

IT IS FINALLY ORDERED that if petitioner fails to comply with this Order, the Court will dismiss this action without prejudice and without further notice.

Dated this 21st day of November, 2023.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE